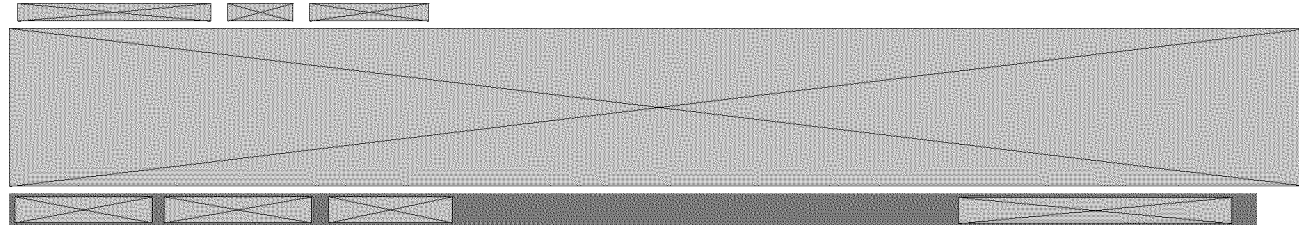


To: Albright, David[Albright.David@epa.gov]
From: BNA Highlights
Sent: Thur 8/13/2015 8:39:10 PM
Subject: Aug 13 -- BNA, Inc. Daily Environment Report - Afternoon Briefing

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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Study: 31 States on Target With Clean Power Plan

Posted August 13, 2015, 4:24 P.M. ET

By [Andrew Childers](#)

Thirty-one states are already on track to meet their 2022 carbon dioxide emissions targets under the Clean Power Plan with 21 expected to surpass the Environmental Protection Agency standards, the Union of Concerned Scientists said today in an updated [analysis](#).

Twenty states are already on target to meet their final carbon dioxide emissions targets for 2030, the analysis said. The EPA's Clean Power Plan (RIN 2060-AR33), issued Aug. 3, sets a unique carbon dioxide emissions rate for the power sector in each state. State regulators are charged with developing plans to comply with the emissions standards.

The analysis by the Union of Concerned Scientists updates a previous report that found that 14 states were on track to exceed their initial emissions rates targets under the agency's proposal.

15 States Seek Stay of EPA's Clean Power Plan

Posted August 13, 2015, 4:31 P.M. ET

By [Andrew Childers](#)

Fifteen states led by West Virginia are asking a federal appellate court to [stay](#) implementation of the Environmental Protection Agency's Clean Power Plan even though the final rule has not yet been published in the Federal Register.

The petition for the state was filed in the U.S. Court of Appeals for the District of Columbia Circuit by Alabama, Arkansas, Florida, Indiana, Kansas, Kentucky, Louisiana, Michigan, Nebraska, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin and Wyoming.

The EPA final Clean Power Plan (RIN 2060-AR33), issued Aug. 3, sets unique carbon dioxide emissions rates or alternatively mass-based targets for the power sector in each state. State regulators will be tasked with developing plans to meet the targets, which will be phased in through 2030.

The final rule has not yet been published in the Federal Register, which typically triggers the window for opponents of the agency's Clean Air Act regulations to file lawsuits.

Water Quality in Animas River at Pre-Spill Levels

Posted August 13, 2015, 3:56 P.M. ET

By [Tripp Baltz](#)

Water quality in the Animas River from Silverton, Colo., to the Durango municipal water intake has returned to pre-spill levels, the Environmental Protection Agency said, after EPA contractors triggered a 3-million-gallon release of mining waste.

EPA Administrator Gina McCarthy, during a visit to Durango yesterday, said the determination was based on water samples collected at numerous intervals beginning Aug. 5, when the spill occurred. Agency investigators accidentally unleashed the mining wastewater at the Gold King Mine on Upper Cement Creek.

The plume of waste contained elevated levels of arsenic, cadmium, lead and mercury, but the metals have now flowed through the Durango area and are approaching Lake Powell in Utah. The river's water quality in Durango was good enough for Colorado Gov. John Hickenlooper (D) to drink a few gulps yesterday after it was treated with iodine to kill microorganisms.

China Air Pollution Kills 4,000 People a Day, Study Says

Posted August 13, 2015, 3:42 P.M. ET

By [Alex Morales](#)

Air pollution is killing an average of 4,000 people a day in China, according to researchers who cited coal-burning as the likely principal cause.

Deaths related to the main pollutant, tiny particles known as PM-2.5s that can trigger heart attacks, strokes, lung cancer and asthma, total 1.6 million a year, or 17 percent of China's mortality level, according to the study by Berkeley Earth, an independent research group funded largely by educational grants. It was published today in the online peer-reviewed journal PLOS One from the Public Library of Science.

The researchers found that 92 percent of China's population experienced at least 120 hours of unhealthy air during the April 5, 2014, to Aug. 5, 2015, study period. China gets about 64 percent of its primary energy from coal, according to National Energy Administration data. It is closing the dirtiest plants while still planning new, cleaner ones.

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Youth Sue Federal Government Over Climate Change

Posted August 13, 2015, 2:07 P.M. ET

By [Andrea Vittorio](#)

A group of youth is suing the federal government for allegedly violating their constitutional rights to life, liberty and property by continuing to develop fossil fuels despite knowing the dangers caused by climate change.

The youth, who range in age from 8 to 19, want a federal court to order the Obama administration to implement tougher climate policies that bring atmospheric concentrations of carbon dioxide back down to 350 parts per million by 2100.

"The current policies, plans, and practices of the Federal Government will not achieve the necessary fossil fuel emission reductions within this century," said their [complaint](#), filed yesterday in U.S. District Court for the District of Oregon.

Their effort to get a court-ordered cap on emissions is not new. Similar lawsuits have been filed across the U.S.

before, but this case is the first to argue that the federal government has a constitutional obligation to combat climate change.

Court Sets Aside 30-Year Permits for Harm to Eagles

Posted August 13, 2015, 4:05 P.M. ET

By [Alan Kovski](#)

A federal rule allowing 30-year permits for unintentional harm to eagles was set aside yesterday by a federal court and remanded to the U.S. Fish and Wildlife Service for an environmental impact analysis in a blow to the wind energy industry.

The rule was issued in 2013 primarily to make wind farm development easier despite the killing of bald and golden eagles by the blades of wind turbines.

The rule violated the National Environmental Policy Act because it was issued without an environmental analysis or a lengthier environmental impact statement, the U.S. District Court for the Northern District of California decided. The case was Debra Shearwater v. Dan Ashe, N.D. Cal., No. 5:14-cv-02830.

Obama: Alaska Trip to Show Climate Change 'Front Lines'

Posted August 13, 2015, 12:12 P.M. ET

By [Laura Litvan](#)

President Barack Obama says his trip to Alaska this month will take him to a place where carbon emissions means "glaciers are melting," storm surges "endanger entire villages" and fishing and other industries are at risk.

"When I'm there, I'll meet with Americans who are dealing with climate change every day, and I'll talk with other nations about how we can tackle this challenge together," Obama says in a [video posted today on the White House website](#). "I'm going because Alaskans are on the front lines of one of the greatest challenges we face this century: climate change."

The White House says in a statement that during his trip, Obama will meet with Alaskans and also address a conference on global leadership in the Arctic. Obama will become the first sitting president to visit the Alaskan Arctic.

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Ozone Advocates Reach Out to White House

Posted August 13, 2015, 4:27 P.M. ET

By [Patrick Ambrosio](#)

Industry and environmental groups wrote to the White House this week to voice their concerns about the Environmental Protection Agency's national ozone standards, which are expected to be released by Oct. 1.

A coalition of 370 state-level industry associations today sent a [letter](#) to White House Chief of Staff Denis McDonough urging the administration to retain the current ozone standards of 75 parts per billion. The letter, released to reporters by the American Petroleum Institute (API), said tighter ozone standards could limit business expansion in much of the country and harm the economy so severely that unintended public health consequences could occur.

The American Lung Association and 11 other national public health organizations sent an Aug. 11 [letter](#) to President Barack Obama calling for the EPA to set "truly protective" ozone standards. Those groups have repeatedly urged the EPA to set the ozone standards at 60 ppb, which is more stringent than the agency's proposal.

Howard Feldman, senior director of regulatory and scientific affairs at API, told reporters today that the final ozone rule could be sent to the White House Office of Management and Budget for interagency review within the next week.

Flame Retardants Clustered in Three Groups by EPA

Posted August 13, 2015, 4:13 P.M. ET

By Pat Rizzuto

The Environmental Protection Agency is proposing to cluster flame retardant chemicals into three groups as it prepares to assess their risks, according to problem formulation information the EPA released online today.

The three groups of flame retardants are: chlorinated phosphate esters, cyclic aliphatic bromides and tetrabromobisphenol A.

The agency also released a data needs assessment for the brominated phthalates cluster, a group of seven chemicals, at least two of which are found in commercial flame retardant formulations. The EPA intends to assess their risks to guide research that could fill those gaps.

The EPA's purpose for releasing the "problem formulation" information on the three flame retardant clusters is to share details with interested parties about the ways it is thinking about assessing the chemicals' risks, to provide opportunity for public comment on its approaches, and to solicit data that could supplement or refine its assessment.

Figure 1

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